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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,292	09/26/2003	Hisao M. Chang	1033-T00537	8322

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TOLER LAW GROUP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,292

Applicant(s)

CHANG, HISAO M.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-56 and 61-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-56 is/are allowed.
- 6) ☒ Claim(s) 61-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. US 6,377,662 in view of in view of Park US 6,999,755.

Hunt discloses method for logging a subscriber (caller) to a voicemail service using voice recognition, comprising steps of:

Loading a first customer goal understanding (CUG) module, the CUG module adapted to engage a voice dialog with a caller to gather information related to a goal (log on to voice messaging system) associated with an incoming call (column 4, line 22 to column 5, line 3);

determining a confidence level based on the voice dialog with the caller, the confidence level related to the goal associated with the incoming call (column 11, line 57 to column 12, line 49);

when the confidence level is above a first threshold, incoming the call that the incoming call will be routed to at least one of a destination IVR application (voicemail functions) (column 13, lines 6-23; column 14, lines 15-23);

loading a second CGU module (prompt the caller for confirmation) when the confidence level is above a second threshold, wherein the second threshold is less than the first threshold (column 14, lines 23-27, 64-67; column 15, lines 1-3);

invoking one or more error handling modules when the confidence level is less than the second threshold (column 14, lines 1-13; 23-25; column 15, lines 4-7).

Hunt teaches using IVR applications for logging a caller, but fails to teach that the IVR applications are received from a VoiceXML data module.

However, Park teaches an IVR 861 in figure 9, and teaches that the IVR 861 received IVR applications from a VoiceXML engine 873 (column 19, lines 35-42, 51-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunt's reference with the teaching of Park, so that IVR prompts would have comprised VoiceXML scripts, because Using VoiceXML in IVR was known in the art, and such a modification would have increased the flexibility of modifying IVR prompts.

2. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. US 6,377,662 in view of in view of Park US 6,999,755 and further in view of Bala US 6,798,876.

2.1 Regarding claim 62, the modified Hunt reference, teaches using an IVR and voice recognition for logging a caller, but fails to teach routing the incoming call to a live agent.

However, Bala teaches a call center in that an incoming call is answered by an IVR (or VRU), a caller's request is determined by voice recognition, and the incoming call is routed to a corresponding agent (column 1, lines 16-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Hunt's reference with the teaching of Bala, so that so that the voice recognition technique of Hunt would have been used in call centers, because such a modification would have clarified how Bala recognized a caller's utterance.

3. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. US 6,377,662 in view of in view of Park US 6,999,755 and further in view of Brophy et al. US 6,782,412.

The modified Hunt reference, teaches using an IVR and voice recognition for logging a caller, but fails to reject a caller based on caller ID.

However, Brophy teaches a system in that an incoming call is answered by an IVR (or VRU), and the incoming call can be rejected by caller ID, including calls from Internet (figure 1; column 10, lines 49-65; column 12, lines 14-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Hunt's reference with the

teaching of Brophy, so that so that the an incoming call would have been rejected base on caller ID, including VOIP address, because such a modification would have prevented fraudulent calls from known call IDs.

Allowable Subject Matter

4. Claims 40-56 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: See pages 1 and 2 of Applicant's Remark.

Response to Arguments

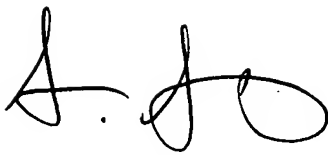
5. Applicant's arguments with respect to claims 61-63 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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A handwritten signature in black ink, consisting of a stylized 'S' followed by a series of loops and a horizontal stroke.

S. Sing

01/18/2008